

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

NOTICE OF DOCUMENT DISCREPANCIES

FILED

2008 AUG 27 PM 4: 18

TO: ☒ U. S. DISTRICT JUDGE / ☐ U. S. MAGISTRATE JUDGE CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
Gonzalez
FROM: R. Mullin, Deputy Clerk RECEIVED DATE 8/26/2008
DEPUTY
CASE NO.: 08cv1308 IEG (BLM) DOCUMENT FILED BY: Plaintiff
CASE TITLE: Simmons v. People of the State of California
DOCUMENT ENTITLED: Request for Statement of Witnesses and Evidence

Upon the submission of the attached document(s), the following discrepancies are noted:

<input checked="" type="checkbox"/> Local Rule	Discrepancy
<input checked="" type="checkbox"/> 5.1	Missing time and date on motion and/or supporting documentation
<input type="checkbox"/> 5.3	Document illegible or submitted on thermal facsimile paper
<input type="checkbox"/> 5.4	Document not filed electronically. Notice of Noncompliance already issued.
<input type="checkbox"/> 7.1 or 47.1	Date noticed for hearing not in compliance with rules/Document(s) are not timely
<input checked="" type="checkbox"/> 7.1 or 47.1	Lacking memorandum of points and authorities in support as a separate document
<input type="checkbox"/> 7.1 or 47.1	Briefs or memoranda exceed length restrictions
<input type="checkbox"/> 7.1	Missing table of contents
<input type="checkbox"/> 15.1	Amended pleading not complete in itself
<input type="checkbox"/> 30.1	Depositions not accepted absent a court order
<input type="checkbox"/>	Supplemental documents require court order
<input type="checkbox"/>	Default Judgment in sum certain includes calculated interest
X	<u>OTHER: Improper form.</u>

Date forwarded: 8/27/2008

ORDER OF THE JUDGE / MAGISTRATE JUDGE

IT IS HEREBY ORDERED:

- ☐ The document is to be filed nunc pro tunc to date received.
- ☒ The document is NOT to be filed, but instead REJECTED. and it is ORDERED that the Clerk serve a copy of this order on all parties.

Rejected document to be returned to pro se or inmate? ☐ Yes. Court Copy retained by chambers ☐

Counsel is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83.1

CHAMBERS OF: Chief Judge Gonzalez
By: KMB, PSIC

Dated: 8/27/08
cc: All Parties

~~DO NOT FILE WITH THE COURT~~

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): CARL DWAYNE SIMMONS Edob 8/24/11] CDC # E-96088 Wasco State Prison - Reception Center 701 Scotfield Avenue P.O. Box 8800 Wasco, CA 93280-8800 ATTORNEY FOR (Name): Tab # 0721368 ADA, CIP.		TELEPHONE NO.: (661) 758-8400
NAME OF COURT: UNITED STATES DISTRICT COURT STREET ADDRESS: Fed. Office Bldg. MAILING ADDRESS: 880 Front St., Ste 4290 CITY AND ZIP CODE: San Diego CA 92101-8900 BRANCH NAME: (R) In Propria Persona		REJECTED
PLAINTIFF: CARL D. SIMMONS, CDCR # E-96088, DEFENDANT: PEOPLE OF THE STATE OF CALIFORNIA,		
REQUEST FOR STATEMENT OF WITNESSES AND EVIDENCE Requesting Party (name): Carl Simmons, Responding Party (name): Davis,		CASE NUMBER: 08-1308 IEG (BLM)

Under Code of Civil Procedure section 96, you are requested to serve on the undersigned, within 20 days, a statement of: **08-1127 W [POR]**

1. The names and street addresses of witnesses you intend to call at trial (except for any individual who is a party to this action).
2. A description of each document that you intend to offer at trial. Attach a copy of each document available to you.
3. A description of each photograph and other physical evidence you intend to offer at trial.

Witnesses and evidence that will be used only for impeachment need not be included.

YOU WILL NOT BE PERMITTED TO CALL ANY WITNESS OR INTRODUCE ANY EVIDENCE NOT INCLUDED IN YOUR RESPONSE TO THIS REQUEST, EXCEPT AS OTHERWISE PROVIDED BY LAW.

Date: **8/24/08**

CARL D. SIMMONS, CDCR # E-96088
 (TYPED OR PRINTED NAME)

Mr. Carl D. Simmons
 (SIGNATURE OF PARTY OR ATTORNEY)